

## **PHYSICIAN ASSISTANT COMMITTEE**

### **MINUTES**

August 30, 2007  
Hilton Los Angeles Airport  
Carmel Room  
5711 West Century Blvd.  
Los Angeles, California 90045

9:00 AM – 4:00 PM

#### **1. Call to Order by Chairman (Sachs)**

Chairman Sachs called the meeting to order at 9:20 AM.

#### **2. Roll Call (Mitchell)**

Staff called the roll. A quorum was present.

Committee Members Present:        Robert Sachs, PA-C  
   Cristina Gomez-Vidal Diaz  
   Steve Klompus, PA  
   Tina Melendrez-Meyer, PA-C  
   Shaquawn D. Schasa  
   Lorelei Sun, PA-C

Committee Members Absent: Shelia Young

Staff Present:                    Elberta Portman, Executive Officer  
   Laura Freedman, Staff Counsel, Dept. of Consumer Affairs  
   Lynn Forsyth, Staff Services Analyst  
   Glenn Mitchell, Licensing Analyst

#### **3. Introduction of New Committee Members (Sachs)**

Chairman Sachs introduced one of the two new public members to the Physician Assistant Committee (PAC). Shaquawn Schasa, is a Governor appointee and works as a financial advisor for Merrill Lynch. Shelia Young, who could not attend the meeting, was the former Mayor of San Leandro.

Chairman Sachs introduced the Director of the Department of Consumer Affairs (DCA), Carrie Lopez, who administered the oath of office to Ms. Schasa.

**4. Approval of Minutes – May 31, 2007 meeting (Sachs)**

Laura Freedman, Staff Counsel, noted that the following corrections needed to be made. In the first paragraph, delete the words “judiciary process” and leave it “through the process”. The second correction is in the second paragraph, replacing the word “clients” with the word “decision maker”.

Chairman Sachs requested that the approved meeting minutes be posted on the website in order for the public to have access to them.

The May 31, 2007 minutes were approved with stated corrections (m/Melendrez-Meyer/s/Sun/c).

**5. Reports**

**a. Chair's Report (Sachs)**

Chairman Sachs announced the resignation of Dr. Laurie Gregg, from the Medical Board of California as well as the Physician Assistant Committee. The Committee also lost Rebecca Grisby, who was a public member and was not re-appointed to the Committee.

Chairman Sachs reported that he would be giving a speech along with Bob Miller at the CAPA Conference. Chairman Sachs invited the public members to attend the conference, held on October 5-7<sup>th</sup> in Palm Springs.

Chairman Sachs also reported that AB 139 was signed by the Governor, which will allow Physician Assistants to perform school bus driver physicals.

**b. Executive Officer's Report (Portman)**

Ms. Portman reported that Barbara Johnston is the Medical Board’s new Executive Officer. She joined the Medical Board at the end of July, and is a registered RN who previously worked at UC Davis.

Ms. Portman reported that Linda Bronson joined the staff of the Physician Assistant Committee in July, replacing the licensing position vacated by Sabrina Hicks-Peterburs. Ms. Portman thanked Glenn Mitchell for assuming all of the licensing duties while the position was vacant.

Ms. Portman reported that at the end of the last fiscal year the committee retained \$80,000 of the budget. These additional funds enabled the committee to pay the outstanding charges for the Attorney General’s Office of \$34,000.00.

Ms. Portman reported that the website has been enhanced and the new address will be [www.pac.ca.gov](http://www.pac.ca.gov).

Ms. Portman reported that the New Board Member Orientation training session would be held on September 19, 2007 in Oakland. Both Ms. Schasa and Ms. Young are scheduled to attend this training session.

Ms. Portman reported that the anticipated move date to our new building is still scheduled for mid-December. As planned the November 8<sup>th</sup> meeting will be held in Sacramento at the Greg Gorges Conference Room.

Ms. Portman reported that the feasibility study has been completed for the purchase of a scanner, which will enable staff to image the licensing files. The study is at the Department of Consumer Affairs for final approval and Lynn Forsyth will be assigned to start the scanning project.

Ms. Portman reported that at the end of June 2007, Deputy Chief Ana Facio of the Medical Board informed her that the Medical Board was reorganizing their probation program to use non-sworn staff as probation monitors. Because of this change, the Medical Board would use fewer monitors and would no longer be able to provide probation monitoring for the PAC or Board of Podiatric Medicine (BOP). After discussion with the Medical Board, an agreement was reached to allow monitoring of physician assistant probationers by the Medical Board to continue until December 2007. The PAC and BOP are working on a plan to hire retired annuitant non-sworn investigators to assume all probation monitoring for both PAC and BOP. The arrangement should result in a cost savings to the PAC, because the pay scale for non-sworn investigators is less than the rate currently paid for the sworn investigators.

Ms. Portman reported that the I-Licensing project is still scheduled for implementation during the 2009/2010 fiscal year. After implementation applicants will be able to submit their application for licensure, and licensees will be able to do a variety of functions such as changing their address, renew their license and pay for their renewal or applications on line

Ms. Portman reported that bids are being obtained for a contract to print plastic renewal licenses. The Department of Consumer Affairs was working on getting a contract for all boards and committees to print plastic licenses, but has experienced difficulty and has advised the boards and committees to consider contracting to provide this service.

Ms. Portman reported that at the last meeting Mr. Klompus requested preliminary information on creating an examination on PAC laws and regulations. Information obtained from Nancy Linn, DCA Examination Resources Unit, indicated that development of an examination is possible, and that the examination could be in conjunction with the national exam, or it could be an open book examination for renewals.

Ms. Diaz moved that this item be placed on the next agenda and to ask that the Office of Examination Resources give a brief report. (m/Diaz/s/Schasa/c)

**c. Licensing Program - activity report (Mitchell)**

Glenn Mitchell stated that between May 1, 2007 and August 1, 2007, 141 licenses were issued, along with 20 interim approvals. In comparison, from May 1, 2006 to August 1, 2006, 113 licenses were issued and 14 interim approvals were given. As of July 1, 2007 6,439 licenses have been issued, with a total of 155 approved programs.

**d. Diversion Program - activity report (Mitchell)**

As of August 2007, Diversion has 11 participants, four of whom are voluntary participants and seven are committee referrals. There have been 67 participants since implementation of the program.

Mr. Mitchell reported that DCA is currently working on an RFP, which should be ready for bids by January with implementation by July 1, 2007.

**e. Enforcement Program - activity report (Portman)**

Ms. Portman reported that between July 1, 2006 and June 30, 2007, the PAC received 149 complaints, closed 154 complaints, and had 48 complaints pending.

As for investigations, Ms. Portman reported that 54 cases were opened and 39 cases were closed, with 33 cases pending. The disposition of the complaints was 68 cases were closed with merit, 96 cases were closed with insufficient evidence, and one case was referred to the local District Attorney.

As for probationers, Ms. Portman reported that there are 38 active and four tolled probationers. The cost recovery ordered for the fiscal year was \$31,073 and during that time the Committee received \$35,288 in cost recovery. In disciplinary decisions, there were two license denials, two non-adoptions, eight licensees placed on probation, three licenses were revoked, four voluntary surrenders, and three probationary licenses were issued. Additionally, there were nine accusations, one statement of issues, one withdrawal of a statement of issues, and one interim suspension order filed, with 21 cases pending at the Office of the Attorney General. In regard to citations, five were issued, five were closed, and one was withdrawn. There were also two pending citations. The fine amount on the citations issued was \$12,250.

Ms. Portman referred to the meeting handouts and discussed the comparisons in the charts. Discussion was held on case aging at the Office of the Attorney General. Ms. Portman reported that in cost recovery, the PAC has ordered \$190,348 over the last five years and has received \$156,583, with the outstanding balance being approximately \$37,248, with the uncollectible amount being \$56,046.

**6. Discussion and Consideration of Proposal to Amend Regulations Relating to Delegation of Services Agreement.**

Ms. Freedman reported that after the Division of Licensing (DOL) of the Medical Board of California requested that the DOL staff meet with California Medical Association to discuss possible concerns with the proposal to amend Section 1399.540 of the California Code of Regulations. In attendance were representatives from Medical Board, California Academy of Physician Assistants, California Medical Association, and staff and legal counsel from PAC. Discussion included concerns that the proposed language not restrict the number of physician assistants that a physician may supervise and make it clear that more than one physician could sign the same Delegation of Services Agreement. California Medical Association raised concerns that the Medical Board might sanction physicians for not signing a Delegation of Services Agreement. It was discussed that the authority to limit the regulator's authority to take disciplinary action is in statute and not in a regulation. As a result, the newly proposed language addresses the concerns that were raised. Motion to support the language and recommend that the Medical Board adopt this language. (m/Melendez-Meyer/s/Klompus/c).

Mr. Kevin Schunke from the Medical Board reported that Section 100 changes were made to the scope of practice regulations for the Physician Assistant Committee, and that the regulations took effect on August 4, 2007. This change was made as a result of AB 2626, which required regulatory changes to ensure that the regulations conformed to law.

**7. Update and Discussion Concerning Possible CME Requirements for California Physician Assistants (Klompus)**

Mr. Klompus and Ms. Freedman reported that at the last meeting the committee voted to support legislative changes that would require continued medical education for licensees. As a result, a meeting was held to craft language for the proposed bill. Discussion ensued about the number of hours that should be required and the potential impact this proposal would have on licensees.

Mr. Klompus made a motion that the committee accept the 50 hours as a renewal requirement every two years and that the committee accept the NCCPA certification as meeting the requirement. (m/Klompus/s/Sun/c)

**8. Discussion about B&P Code Section 3502 – Well Baby Checkups (Sachs)**

Chairman Sachs reported that the PAC has received letters from the Department of Health Services asking for clarification on whether or not physician assistants can apply fluoride treatments since physicians can apply the fluoride treatments.

Discussion ensued, Ms. Freedman stated that current law prohibits a PA from performing that function, but that a fix might be placed in an omnibus bill, since the provision essentially limits the physician assistant from providing effective well-child checkups.

Motion to direct staff to consult with Department of Consumer Affairs legislative office about the possibility of amending Business and Professions Code section 3502 to allow physician assistants to provide fluoride treatments. (m/Melendrez-Meyer/s/Klompus/c).

**9. Update on California Physician Assistant Programs (Sachs)**

Chairman Sachs reported the Stanford Program, which began in 1975 and is a combined PA\_Family Practitioner Program accredited by the accreditation review committee. Changes to the requirement for the Board of Registered Nurses will go into effect January 1, 2008, requiring family nurse practitioners to obtain a master's degree. Stanford elected to discontinue the family nurse practitioner segment of the Stanford PA Program, so the only remaining PA/FMP program in California is UC Davis.

**10. Legislation (Sachs) Bills: AB 3, AB 611, AB 1393, AB 1436, SB 374, SB 618, SB 1048, SB 963, AB 1025**

Chairman Sachs reported that Assemblywoman Karen Bass, who is the majority floor leader, has authored Assembly Bill 3, which makes substantial changes to the Physician Assistant Practice Act. A conference call was held the week prior to the meeting with Kurt Heppler, Laura Freedman, Elberta Portman, Bob Miller, Michael Scarano, Jr., and Gaye Breyman. Chairman Sachs asked Mr. Scarano to speak about the bill and Mr. Scarano reported that the purpose of the conference call was to determine the extent to which regulations may be required if the bill takes effect on January 1, 2008. Mr. Scarano also reported that the Board of Registered Nursing (BRN) has not established requirements for regulations for the courses that nurses have to take, and he submitted that the committee could review the non-regulatory mechanism that is currently used at BRN.

Ms. Freedman reported that the bill makes significant amendments to the practice act, which is the authority under which the Committee operates. As a consequence, the Committee's mandate to enforce the law will require regulations. Discussion ensued about possible regulation changes as a result of this bill becoming chaptered.

Motion was made to support AB 3 and to direct staff to send a letter of support. (m/Melendrez-Meyer/s/Klompus/c).

Ms. Diaz made a motion to direct staff to add elements of access to health care in our letter of support. (m/Diaz/s/Klompus/c).

Mr. Klompus made a motion to direct staff to come up with suggestions and do any work necessary to have suggestions for regulations to implement this bill at its November 2007 meeting. (m/Klompus/s/Diaz/c)

**11. Items for Next Meeting (Sachs)**

1. Strategic Plan (if not next meeting then next year)
2. Executive Officer Evaluation
3. Election of Officers
4. AB3 and possible regulatory changes
5. CME Discussion
6. Detailed Budget Report
7. Presentation from DCA Exam Resources Unit for proposed California PA law and regulation examination
8. Meeting dates for 2008

**12. Public Comment on Items Not On The Agenda**

No public comment was received.

The open session of the meeting was adjourned at 1:38 PM.